

## REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Office Action mailed December 11, 2008 (hereinafter "Office Action"). In response, Applicant has amended independent Claims 1, 18, and 31 to incorporate the recitations of dependent Claims 6, 23, and 36, respectively, to clarify that the user interface parameters change whenever the user interface parameters in the game change. Dependent Claims 6, 23, and 36 have been canceled without prejudice or disclaimer. Applicant respectfully submits that the cited references fail to disclose or suggest, at least, the recitations of the independent claims as amended. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

### Independent Claims 1, 18, and 31 are Patentable

Independent Claims 1, 18, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent Publication No. 2004/0216054 to Mathews et al. (hereinafter "Mathews") in view of U. S. Patent Publication No. 2004/0157654 to Kataoka et al. (hereinafter 'Kataoka'). (Office Action, page 2). Independent Claim 1 is directed to a device and has been amended to incorporate recitations from dependent Claim 6. Independent Claim 1, as amended, recites:

a user interface, a control unit for controlling operations of the device including changeable parameters of the user interface, and a game platform for running a game, wherein the control unit is configured to change parameters of the user interface whenever the user interface parameters in the game change based on events occurring in the game. (Emphasis added).

Independent Claims 18 and 31, as amended, include similar recitations. The recitations of Claim 1 are directed to embodiments of the present invention where parameters of a user interface of a device, such as a mobile telephone, are changed whenever the user interface parameters in a game change. Thus, a link is provided between the game environment and

the device, which may allow the device to take advantage of the game play to create or adapt themes in the user interface of the device outside of playing the game, e.g., during normal operation of the device.

Mathews discloses a portable communication device in which a user may have the ability to have tailored user interfaces or a tailored look and feel through various screens on the device. In addition, a skin and theme on the device may be customized based upon an event as described in paragraph 25 and FIG. 4 of Mathews. But as acknowledged in the Office Action, Mathews fails to disclose or suggest running a game application and changing user interface parameters based on events occurring in the game. The Office Action, however, cites Kataoka as providing the teachings missing from Mathews. (Office Action, page 3).

In paragraph 37, Kataoka teaches that a gamer can use game scores of a mini-game to obtain melodies of incoming calls, wallpaper for portable phones, virtual currency that can be used in the game, and items that can be used in a video arcade. In sharp contrast to the recitations of independent Claim 1, however, the changes described in paragraph 37 of Kataoka are based on static game scores, not based on events occurring during a game in progress. Thus, Kataoka teaches away from the recitations of independent Claim 1 directed to changing parameters of the user interface whenever the user interface parameters in the game change based on events occurring in the game.

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1, 18, and 31 are patentable over the cited references, and that dependent Claims 2 – 5, 7 – 17, 19 – 22, 24 – 40, 32 – 35, and 37 - 40 are patentable at least by virtue of their depending from an allowable claim.

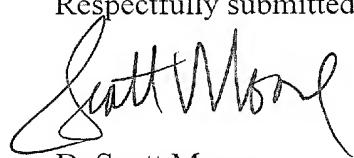
## **CONCLUSION**

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited

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Application No.: 10/587,991  
Filed: July 28, 2006  
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to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



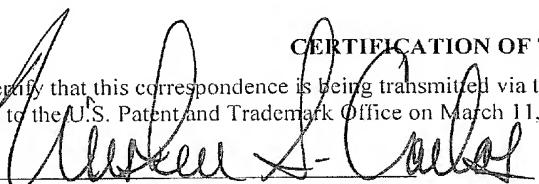
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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on March 11, 2009.



Kirsten S. Carlos